

AND NOW, this 29th day of November, 2016, upon consideration of the Notice of Removal filed by Defendants Darren Kirk Palitti and Squarz Pizza, LLC, (Docket No. [1]), and attachments including Plaintiff's Complaint for Preliminary and Permanent Injunctive Relief and Damages, (Docket No. 1-4), and Plaintiff's Motion for Preliminary Injunction, (Docket No. 1-5), all of which were originally filed in state court, and finding that the Notice of Removal is deficient because Defendants have not established that there is complete diversity of the parties in this case under prevailing Third Circuit jurisprudence, namely, *see Zambelli Fireworks Mfg. Co., Inc. v. Wood*, 592 F.3d 412, 419-20 (3d Cir. 2010), holding that a limited liability company is deemed a citizen of all of the states of its members, through the conclusory averment that Defendant Squarz Pizza LLC is a "citizen of the state of Maryland," (Docket No. 1 at ¶ 8), and further finding that the Court lacks subject matter jurisdiction over the instant matter due to the factual allegations that the members of Defendant Squarz Pizza, LLC include both Pennsylvania citizen, Plaintiff John William Rosinsky and Maryland citizen, Darren Kirk Palitti, (*see* Docket No. 1-4 at ¶¶ 22, 23, 24), whom each own a 49.5% interest in the limited liability company, making Defendant Squarz Pizza LLC a citizen of Pennsylvania and Maryland for diversity

purposes,

IT IS HEREBY ORDERED that this case is REMANDED to the Court of Common Pleas of Allegheny County pursuant to 28 U.S.C. § 1447(c), forthwith;

IT IS FURTHER ORDERED that the Clerk of Court mail a certified copy of this order to the clerk of the Court of Common Pleas of Allegheny County pursuant to 28 U.S.C § 1447(c);

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

s/Nora Barry Fischer

Nora Barry Fischer

UNITED STATES DISTRICT JUDGE

cc/ecf: All counsel of record.